

**ORDINANCE 2021-35**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF  
WARRICK COUNTY, INDIANA, AMENDING CHAPTER 131 OF  
THE CODE OF ORDINANCES OF WARRICK COUNTY, INDIANA**

**WHEREAS**, Indiana Code 36-8-2-4 authorizes a governmental unit to regulate by ordinance conduct, or use or possession of property, that might endanger the public health, safety, or welfare of its citizens; and

**WHEREAS**, Indiana Code 36-8-2-5 authorizes a governmental unit to impose restrictions upon persons or animals that might cause other persons or animals to be injured or contract diseases; and

**WHEREAS**, Warrick County, IN Code of Ordinances, Chapter 131, regulates the conduct of animals and their owners within Warrick County, Indiana; and

**WHEREAS**, the Warrick County Animal Control Department recommends revising Warrick County, IN Code of Ordinances, Chapter 131; and

**WHEREAS**, the Board of Commissioners of Warrick County, Indiana, desires to revise and replace Warrick County, IN Code of Ordinances, Chapter 131 in its entirety.

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of Warrick County, Indiana, that:

**The Code of Ordinances of Warrick County, Indiana, Chapter 131, is hereby amended in its entirety and replaced as follows:**

**§ 131.01 DEFINITIONS.**

Below are some definitions found within this Chapter. The following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADULT.** An Animal over six (6) months of age.

**ANIMAL.** Any living Domestic Animal, including fowl, mammals, and reptiles, except human beings.

**ANIMAL CONTROL OFFICER.** The officer appointed by the Warrick County Health Officer to enforce this Chapter. The term shall also refer to the Animal Control Officer's deputies, assistants, and employees, as well as Warrick County Sheriff's Department deputies.

**ANIMAL WELFARE ORGANIZATION.** Any nonprofit organization given tax exempt status under 26 USCA 501(c)(3) for the purpose of prevention of cruelty or neglect to Animals and incorporated under the laws of Indiana.

**AT LARGE.** Any Animal being loose and free roaming off the Owner's real property, and not being on a leash under the control of a competent Person.

**DANGEROUS DOG.** Any dog that, according to the records of the Animal Control Officer:

## ORDINANCE 2021- 35

- (1) Inflicts severe injury on a human, without provocation, on public or private property;
- (2) Aggressively bites, attacks, or endangers the safety of a human or any other Animal, without provocation, after the dog has been classified as a potentially dangerous animal and the Owner of the dog has been notified of such classification; or
- (3) Has at any time been trained, owned, or harbored for the purpose, primarily or in part, to engage in animal fighting, even when such dog has not been classified previously as a potentially dangerous animal.

A dog that is defending itself, or its Owner's home, is not a Dangerous Dog if:

- (1) The dog is kept primarily to guard and protect the Owner and/or the Owner's premises; and
- (2) The Owner has posted appropriate signage along the perimeter of the Owner's property that reasonably notifies other individuals as to the dog's presence, according to the discretion of the Animal Control Officer.

**DOMESTIC ANIMAL.** Any tame Animal associated with family life or accustomed to life in, or near, the habitation of humans or such as to contribute to the support of a family, including, without limitation, a dog, cat, horse, cattle (bovine), sheep, goat, rabbit, mouse, rat, donkey, guinea pig, hamster, gerbil, pigeon, chicken, turkey, goose, duck, llama, pig, bison, chinchilla, mink, or ferret.

**EXOTIC ANIMAL.** Any Animal whose native habitat is not indigenous to the continental United States of America except for fish, fur-bearing animals that are commercially bred for the furrier trade, and birds protected under Federal laws and regulations.

**GROOMING SHOP.** A commercial establishment where Animals are bathed, clipped, plucked, or otherwise groomed.

**KENNEL.** A facility maintained in a single location utilized for breeding, boarding, training, or sale of dogs and/or cats.

**LIVESTOCK.** Certain Domestic Animals, including, without limitation, cattle (bovine), sheep, pigs, goats, bison, llamas, horses, mules, and donkeys. Livestock does not include aquatic animals, fish, dogs, cats, rabbits, mice, rats, guinea pigs, gerbils, chinchillas, minks, ferrets, poultry, and/or other birds.

**MAJOR KENNEL.** A kennel consisting of fifteen (15) or more dogs and/or cats.

**MICROCHIP.** A computer chip implanted underneath the skin and between the scapula of an Animal which contains information relating to said Animal.

**MINOR KENNEL.** A kennel consisting of less than fifteen (15) dogs and/or cats.

**NUISANCE.** An Animal is considered a nuisance if it:

- (1) Interferes with or molests passersby or passing vehicles;

**ORDINANCE 2021- 35**

- (2) Attacks another Animal or Person;
- (3) Is At Large;
- (4) Damages private or public property;
- (5) Causes frequent, persistent loud noises or other sounds common to its species which disrupt the comfort or repose of any Person in the immediate neighborhood or in any residential area, unless said Animal is kept in the operation of a boarding kennel, kennel, training facilities, or for the practice of animal husbandry;
- (6) Damages, soils, defiles, or defecates on any public right-of-way;
- (7) Trespasses on, soils, defiles, defecates on, or damages private or public property, including, but not limited to, the leaving of waste material; or
- (8) Is allowed to create any condition which poses a substantial risk of harm to the public health, safety, welfare, or environment.

An Animal that is defending itself, or its Owner's home, is not a Nuisance if:

- (1) The Animal is kept primarily to guard and protect the Owner and/or the Owner's property; and
- (2) The Owner has posted appropriate signage along the perimeter of the Owner's property that reasonably notifies other individuals as to the Animal's presence, according to the discretion of the Animal Control Officer.

**OWNER.** Any Person having the right of property in, the charge, control, or custody of, or who otherwise harbors, an Animal.

**PERSON.** An individual of the age of eighteen (18) years or older, firm, limited liability company, association, partnership, corporation, nonprofit, or other legal entity recognized under the laws of the State of Indiana.

**POCKET PETS.** Certain Domestic Animals, including hamsters, gerbils, mice, rats, chinchillas, guinea pigs, sugar gliders, and hedgehogs.

**PRIMARY ENCLOSURE.** A structure that meets the following requirements:

- (1) Suitable to prevent the entry of children younger than twelve (12) years of age into the structure and to prevent the Animal from escaping the structure;
- (2) Consists of secure sides and a secure top that are sufficient in height to prevent the Animal from escaping over the sides of the structure; and
- (3) Provides the Animal appropriate protection from adverse weather conditions.

**STRAY.** Any Animal that is not within the real property limits of its Owner and is not under restraint or is unattended.

## CONTROL AND CARE OF ANIMALS

### § 131.10 ANIMALS RUNNING AT LARGE.

- (A) No Owner of any Animal shall allow said Animal to stray beyond the Owner's property or premises unless the Animal is maintained on a leash or is engaged in lawful hunting and accompanied by the Owner.
- (B) No Owner of any Animal, except for an animal which is hereinabove provided, shall allow said Animal to stray beyond the Owner's property or premises, unless the Animal is under the reasonable control of some Person.
- (C) It is unlawful for a Person to knowingly or intentionally kill any Domestic Animal running At Large on his or her property without the consent of the Owner of the Domestic Animal, unless the Person reasonably believes the conduct is necessary to:
  - (1) Prevent injury to the Person or another Person;
  - (2) Protect the property of the Person from destruction or substantial damage; or
  - (3) Prevent a seriously injured vertebrate animal from prolonged suffering.

Penalty, see § 131.99

### § 131.11 ANIMAL NUISANCE.

- (A) No Owner shall own, keep, possess, or otherwise harbor any Animal that is a Nuisance.
- (B) The Animal Control Officer, in his or her sole discretion, shall determine whether an Animal is considered a Nuisance as defined in this Chapter.
- (C) An Owner of an Animal determined to be a Nuisance shall be subject to a fine for violating this Chapter. The Animal Control Officer shall impound an Animal determined to be a Nuisance according to Sections 131.30 through 131.34.

Penalty, see § 131.99

### § 131.12 DANGEROUS DOGS.

**ORDINANCE 2021-25**

- (A) No Owner shall own, keep, possess, or otherwise harbor a Dangerous Dog.
- (B) The Animal Control Officer, in his or her sole discretion, shall determine whether a dog is considered a Dangerous Dog as defined in this Chapter.
- (C) An Owner of a dog determined to be a Dangerous Dog shall be subject to a fine for violating this Chapter. The Animal Control Officer shall impound a dog determined to be a Dangerous Dog according to Sections 131.30 through 131.34.

Penalty, see § 131.99

**§ 131.13 SHELTER REQUIREMENTS.**

- (A) An Owner shall provide adequate shelter for all Domestic Animals as required herein:
  - (1) Shelter for a Domestic Animal shall consist of a structure with a bottom, top, and three (3) sides that is of sufficient size for the age, breed, and size of the Domestic Animal.
  - (2) When sunlight is likely to cause overheating or discomfort to a Domestic Animal, the Owner shall provide sufficient shade to allow all Domestic Animals that are kept outdoors to protect themselves from direct sunlight.
  - (3) The Owner shall provide access to shelter with a windbreak and watershed to protect Domestic Animals that are kept outdoors from weather conditions which would constitute a health hazard to Domestic Animals.
- (B) Appropriate shelter for Livestock shall consist of a windbreak and watershed to protect the Livestock from weather conditions which would constitute a health hazard to said Livestock.
- (C) All Animals shall be kept in a sanitary manner. The Owner of any Animal shall maintain said Animal's areas, or any areas of Animal contact, so as to prevent odor or the maintenance of said Animal in an unsanitary environment. An Animal's areas shall be kept free from accumulation of excrement, water, and mud.
- (D) The Owner of any Livestock shall maintain any areas where Livestock is located in a sanitary manner and ensure that said Livestock area is free from materials and debris that may cause injury to the Livestock, including, without limitation, barbed wire, exposed glass, and an accumulation of trash or waste material.

Penalty, see § 131.99

**§ 131.14 HOUSING REQUIREMENTS.**

## ORDINANCE 2021-35

- (A) Animals must have access to sufficient ventilation at all times as to provide for the health and well-being of the Animal and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows and/or vents, such as fans or air-conditioning units.
- (B) Housing of Animals kept inside a crate or floor cage must allow said Animal to stand up, turn around, and lie down comfortably. The enclosed areas of said crate or floor cage shall be free of feces and urine.
- (C) An Owner shall not cause an Animal to be kept inside a crate or floor cage continuously, according to the discretion of the Animal Control Officer.
- (D) Livestock must be housed or kept in an area that is free from materials and debris that may cause injury to the Livestock, including, without limitation, barbed wire, exposed glass, and an accumulation of trash or waste material.

Penalty, see § 131.99

### **§ 131.15 FOOD AND WATER.**

No Owner of an Animal shall fail to supply such Animal with potable drinking water and adequate food that is nutritional for the age and species in adequate amounts to maintain good health. An emaciated condition of any Animal, or an unnatural and excessive craving for food and/or drink exhibited by any Animal, shall be prima facie evidence of the Owner's failure to properly feed and/or provide water to such Animal as is required herein.

Penalty, see § 131.99

### **§ 131.16 MEDICAL CARE.**

All Animals shall be provided with reasonable and necessary medical care in addition to any required vaccinations. Livestock shall be provided with reasonable and necessary medical care, including, but not limited to, farrier and dental care. Grooming of an Animal that normally requires it shall be free of excessive matting so as to allow the Animal to move freely without complication or pain.

Penalty, see § 131.99

### **§ 131.17 EXERCISE.**

No Owner of an Animal shall fail to supply such Animal with adequate exercise opportunities and area. Any Domesticated dog or cat shall have the minimum open exercise area commensurate with their size as follows:

- (1) Forty (40) square feet per dog that weighs less than forty (40) lbs.

**ORDINANCE 2021-35**

(2) Sixty (60) square feet per dog that weighs between (forty) 40 lbs. and eighty (80) lbs.

(3) Eighty (80) square feet per dog that weighs more than eighty (80) lbs.

(4) Twelve (12) square feet per cat.

No enclosure shall house more than three (3) Adult dogs or cats per enclosure.

Penalty, see § 131.99

**§ 131.18      MINIMUM AGE REQUIREMENT.**

Unless a dog or cat is at least eight (8) weeks of age and has been weaned, no dog or cat shall be delivered by any Person to any carrier or intermediate handler for transportation in commerce, or transported in commerce by any person, except those approved by the USDA Animal Welfare Act.

Penalty, see § 131.99

**§ 131.19      ANIMALS NOT TO BE OFFERED AS NOVELTIES OR PRIZES.**

(A) It shall be a violation of this Section for a Person to sell, offer to sell, trade, barter, or give away, in Warrick County, any live Animal, including birds and/or reptiles, for any of the following purposes:

(1) As a novelty or prize;

(2) As an inducement to enter a place of amusement;

(3) As an incentive to enter any business establishment; or

(4) As an incentive to enter into any business agreement whereby the offer was made for the purpose of attracting trade or business, other than business establishments selling Animals as their primary business.

(B) It shall be a violation of this Section for any Person to transport into Warrick County any live Animal, including birds and/or reptiles, for any purpose prohibited in subsection (A), above.

(C) It shall be a violation of this Section for a person to sell, offer to sell, or otherwise dispose of any Animals whose appearance has been artificially or chemically colored, sprayed, or painted.

Penalty, see § 131.99

**ORDINANCE 2021- 35**

**§ 131.20        RESTRAINT, HITCHING, OR TYING.**

- (A)    Animals must be confined to the Owner's real property and not permitted to run loose. While on the Owner's real property, but not under the Owner's direct control, Animals must be secured without means of escape by a leash, or otherwise be confined to a pen, fenced (either physical or electronic) enclosure, corral, cage, house, or other secure enclosure. In agriculturally zoned areas, however, cats may be allowed to run At Large on the Owner's property when not under the Owner's direct control.
- (B)    No Animal shall be hitched, tied, or fastened by any rope, chain, cord, or other similar material that is directly attached to the Animal's neck. Animals that are tied, hitched, or fastened shall wear a properly fitted collar or harness, other than a choker-type collar. This Section does not prohibit the use of a choker-type collar in the training of Animals or in the leading of the same.
- (C)    An Owner shall not permit prong-type collars to remain on an Animal when the Animal is not in training. In no instance shall a prong-type collar be permitted by an Owner to remain on an Animal for a continuous period of twenty-four (24) hours or more.
- (D)    A tether or tie-out for a dog shall be at least three (3) times the length of the dog as measured from the tip of said dog's nose to the tip of its tail. The tether or tie-out shall be of adequate strength for the breed, weight, size, and age of the dog in order to keep the dog secure.
- (E)    No person shall permit an Animal to access a roof or overhang by any means, including, without limitation, through an open window.

Penalty, see § 131.99

**§ 131.21        CRUELTY.**

No Person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any Animal, or otherwise cause, instigate, permit, or promote combat between Animals, including fowl. The definitions set forth in Indiana Code 35-46-3, *et seq.*, are incorporated herein by reference.

Penalty, see § 131.99

**§ 131.22        ABANDONMENT.**

No Person shall abandon, or cause to be abandoned, any Animal anywhere within Warrick County. The definitions set forth in Indiana Code 35-46-3, *et seq.*, are incorporated herein by reference.



**ORDINANCE 2021- 35**

Penalty, see § 131.99

**§ 131.23      ANIMALS IN VEHICLES.**

(A) No Animal shall be left unattended in a vehicle when the conditions in said vehicle would constitute a health hazard to the Animal.

(B) *Transportation of Animals.* Any Animal transported in the open bed of a truck while the vehicle is in motion:

(1) Shall be tethered by a halter to the two (2) sides of the corners of the bed of the truck closest to the cab, so long as such halter is not secured to said Animal's neck; or

(2) Shall be contained in a secured travel container so as to prevent injury to the Animal.

The tailgate of any vehicle transporting an Animal in accordance with this Section shall be in a secured, closed position.

(C) No Animal shall be transported in the open bed of a truck during inclement weather. Weather temperatures below Twenty Degrees Fahrenheit (20°) and above Ninety Degrees Fahrenheit (90°), as well as any other weather condition that would constitute a health hazard to Domestic Animals, shall be considered "inclement weather" for purposes of this Section.

Penalty, see § 131.99

**§ 131.24      POISONOUS BAIT; TRAPS.**

(A) *Poisonous Bait.* No Person shall set out any kind of poisonous substance or bait with the intent to do any harm to any Domestic Animal.

(B) *Traps.*

(1) No live-animal traps shall be set during inclement weather or in a location which exposes the trap(s) to direct sunlight. Weather temperatures measuring below Thirty-Two Degrees Fahrenheit (32°), including windchill, and above Ninety Degrees Fahrenheit (90°), including heat index, shall be considered "inclement weather" for the purposes of this Section.

(2) It shall be unlawful for a Person to use, place, set, or cause to be used, placed, or set, any snare, net, or other devise for the purposes of trapping or capturing any Animal upon any land or waters located in Warrick County in any manner that does not result in said Animal being captured painlessly or killed instantly.

- (3) It shall be unlawful for a Person, having placed a lawful trap, snare, or similar device in Warrick County, to fail to inspect and empty said trap, snare, or device at least once during every twenty-four (24) hour period in which the trap, snare, or device is in place.

Penalty, see § 131.99

**§ 131.25      ANIMALS IN HEAT.**

An Animal in heat shall be confined in a secure building, enclosure, or Kennel so as to prevent the Animal from being a Nuisance, except during instances of planned breeding.

Penalty, see § 131.99

**§ 131.26      KENNEL ENCLOSURES; INSPECTIONS.**

- (A) The Primary Enclosures for dogs and cats in Kennels shall be constructed and maintained so as to provide sufficient space to allow each dog and/or cat to turn about freely and easily, to stand, and to sit and lie down in a comfortable, normal position. No more than three (3) Adult dogs or cats shall be housed in the same Primary Enclosure. All primary enclosures shall provide appropriate exercise floor space as provided in this Chapter.
- (B) The Animal Control Officer or any Warrick County Health Department official shall have the right to inspect all permanent or mobile Kennels, pet shops, Grooming Shops, and Animal Welfare Organizations, including, without limitation, shelters, rescues, and foster homes, and/or riding schools or stables at any time during normal business hours.

Penalty, see § 131.99

**§ 131.27      IDENTIFICATION.**

- (A) An Owner shall maintain permanent identification for any Domestic Animal kept as a pet that states the Owner's first and last name and a phone number to contact the Owner. Said identification may be in the form of one (1) or more of the following:
- (1) An identification tag affixed to a collar or harness that is securely worn around the Animal's neck;
- (2) A collar with an engraved plate that is securely worn around the Animal's neck;
- (3) A collar that states the necessary information required under this Section that is legibly written in permanent marker and which is securely worn around the Animal's neck; or

(4) A Microchip.

Penalty, see § 131.99

## **IMPOUNDMENT & RELINQUISHMENT**

### **§ 131.30 IMPOUNDMENT OF ANIMALS.**

The Animal Control Officer, upon reasonable belief that an animal classified as a Domestic Animal or Livestock, as defined herein, is not being provided with adequate food, water, exercise, ventilation, and/or sanitary shelter, or is otherwise being cruelly treated, shall impound the Animal and proceed as is provided in Sections 131.30 through 131.34 of this Chapter.

(BC Ord. 1992-2, passed 2-10-92)

### **§ 131.31 RECORDS; NOTICE OF IMPOUNDMENT.**

Immediately after impounding any Animal as a result of a violation of the provisions of this Chapter, it shall be the duty of the Animal Control Officer to enter upon the records of the animal control facility that are kept by the Animal Control Officer for such purposes the date of impounding and a description of the animal impounded. Public notice of the impounding of all Animals shall be given by posting one (1) copy of such notice at the Animal Control Facility.

### **§ 131.32 REDEMPTION OF ANIMAL.**

- (A) *Redemption Period.* Any Animal, including Livestock, that is not redeemed by its Owner within six (6) days after the posting of such notice shall immediately become the property of Warrick County Animal Control and be subject to disposition by the Warrick County Health Department, or its designee, in accordance with Section 131.33, below.
- (B) Except as otherwise provided, the Owner of any impounded Animal, including Livestock, may redeem said impounded Animal prior to the expiration of the Redemption Period by meeting the following requirements:
  - (1) The Owner must be eighteen (18) years or older;
  - (2) Paying the sum of Fifteen and 00/100 Dollars (\$15.00) for each day said Animal has been impounded, up to and including the day of redemption. Impoundment fees may be modified by Warrick County Animal Control, from time to time, according to its discretion;
  - (3) Paying to vaccinate the Animal for rabies, if needed;

**ORDINANCE 2021- 35**

- (4) Paying any expenses associated with the implantation of a Microchip in any Animal, excluding Pocket Pets or Livestock;
  - (5) Paying any expenses provided to the Animal for adequate housing, food, medicine, and/or reasonable and necessary veterinary care.
- (C) After an Animal's third impoundment, excluding Pocket Pets and Livestock, Owner of said Animal shall pay any expenses to spay or neuter said Animal. Fees and expenses payable for the spaying and neutering of an Animal under this Section are determinable by Warrick County Animal Control and may be modified from time to time.
- (D) Upon an Animal's fourth impoundment, or upon the impoundment of an Animal belonging to the same Owner who, in the aggregate, has had one (1) or more Animals impounded by Warrick County Animal Control no less than three (3) times during the immediately preceding two (2) years, said impounded Animal becomes the property of the Warrick County Health Department and shall not be redeemable by the Owner. By way of example only, if, within a two (2) year period, one Animal belonging to an Owner is impounded three (3) times, and a second Animal belonging to the same Owner is subsequently impounded within two (2) years of the initial impoundment of the first Animal, then upon the second Animal's impoundment, said Animal becomes the property of the Warrick County Health Department and shall not be redeemable by the Owner.
- (E) An Owner's attempted sale or other disposition of an Animal that is impounded at a Warrick County Animal Control facility does not affect the application of this Chapter.
- (F) Notwithstanding anything herein to the contrary, prior to Warrick County Animal Control releasing an Animal to a Person under this Chapter, Warrick County Animal Control, in its sole and absolute discretion, may require said Animal to be implanted with a Microchip at the expense of the Person seeking the Animal's release. Fees and costs associated with implanting a Microchip in an Animal for purposes of identification are to be determined by Warrick County Animal Control and may be modified from time to time, according to its discretion.
- (G) An Owner in violation of this Chapter shall not be permitted to redeem a dog determined to be a Dangerous Dog pursuant to Section 131.12.

**§ 131.33      DISPOSITION OF UNCLAIMED ANIMALS.**

- (A) Any Domestic Animal not reclaimed by its Owner within six (6) days of the posting of notice of impoundment at the Animal Control Facility shall be eligible for either adoption, rescue, or euthanasia, whichever is necessary, in the discretion of Warrick County Animal Control, to carry out the intent of this Chapter.

**ORDINANCE 2021- 35**

- (B) *Adoption.* Adoption of an unclaimed Animal from Warrick County Animal Control requires the following:
- (1) The adopting party to pay for a rabies vaccination of said Animal, if the Animal is one requiring rabies vaccination under the laws of the State of Indiana or by this Chapter;
  - (2) By paying a fee of Ten and 00/100 Dollars (\$10.00) for any Animal six (6) months of age or older, or a fee of Five and 00/100 Dollars (\$5.00) for any Animal under the age of six (6) months. Notwithstanding the foregoing, the cost of an Animal that is already spayed or neutered at the time of adoption is Twenty-Five and 00/100 Dollars (\$25.00). The Animal Control Officer shall be charged with the responsibility of determining the species and age of the adopted Animal. Adoption fees may be modified by Warrick County Animal Control from time to time, according to its discretion; and
  - (3) In the event the Animal to be adopted has not been spayed or neutered, the Animal shall be spayed or neutered prior to finalization of the Adoption. The Person seeking adoption shall make arrangements with a licensed veterinarian in Warrick County to perform the necessary surgery to spay or neuter the Animal. The Animal Control Officer shall deliver the Animal to the veterinarian's office for such surgery.
- (C) *Rescue.* Rescue of an unclaimed Animal from Warrick County Animal Control requires the following:
- (1) The rescuing party pay a fee of:
    - (a) Five and 00/100 Dollars (\$5.00) for an Animal less than six (6) months of age.
    - (b) Ten and 00/100 Dollars (\$10.00) for an Animal six (6) months of age or older.
    - (c) Fifteen and 00/100 Dollars (\$15.00) for a litter of offspring and the litter's mother.

Rescue fees may be modified by Warrick County Animal Control, from time to time, according to its discretion.
  - (2) Each rescuing party be approved by Warrick County Animal Control for the rescue of the unclaimed Animal and have a completed Rescue Application on file at the Warrick County Animal Control office. Rescue Applications are available at the Warrick County Animal Control office.
- (D) *Euthanasia.* The decision to euthanize an unclaimed Animal shall be made at the sole discretion of Warrick County Animal Control.

**ORDINANCE 2021-35**

**§ 131.34      RELINQUISHMENT OF ANIMALS.**

- (A) Only those Animals that have been found in Warrick County may be surrendered to Warrick County Animal Control.
- (B) A Person must complete and sign an intake card provided by Warrick County Animal Control before surrendering an Animal to Warrick County Animal Control.
- (C) Animals that are surrendered to Warrick County Animal Control shall immediately become the property of Warrick County and placed for disposition.
- (D) In its sole discretion, Warrick County Animal Control may provide euthanasia services of Animals upon request, following the completion of a Euthanasia Request form provided to the requesting party by Warrick County Animal Control. Warrick County Animal Control shall require the party requesting said service to pay any costs associated therewith. The decision to euthanize an Animal pursuant to this Section shall be made at the sole discretion of Warrick County Animal Control.
- (E) Stray Animals shall be impounded for six (6) days, commencing the day the Animal is impounded, as long as space allows and the Animal, in Warrick County Animal Control's discretion, is in good health. If Warrick County Animal Control determines the Animal is sick, contagious, suffering, or extremely dangerous, the Animal may be humanely euthanized in accordance with Warrick County Animal Control procedure.
- (F) Animals that pose a danger to Warrick County Animal Control employees and staff and that are without a means of identification may be euthanized at the discretion of Warrick County Animal Control.

**RABIES CONTROL**

**§ 131.40      RABIES VACCINE REQUIRED.**

- (A) No Owner shall possess within Warrick County any Animal three (3) months of age or older that is required by law to have a rabies vaccination, unless such Animal has been immunized by a licensed veterinarian with a rabies vaccine of a type approved by the State Board of Health and the Warrick County Board of Health. In accordance with Indiana State law, one (1) year and three (3) year vaccines may be used according to approved label directions.
- (B) In no case shall more than the period prescribed on the vaccine label, whether one (1) year or three (3) years, lapse between an Animal's rabies vaccination.

Penalty, see § 131.99

**§ 131.41 KNOWLEDGE OF RABIES OR ANIMAL BITE TO BE REPORTED TO OFFICIALS.**

- (A) Any Person who has knowledge or a reasonable belief that an Animal is afflicted with rabies shall immediately notify the Animal Control Officer, the Warrick County Sheriff's Department, or the Warrick County Health Officer.
- (B) Whenever an Animal bites a Person or another Animal, the Owner of said biting Animal shall immediately notify the Animal Control Officer.

Penalty, see § 131.99

**§ 131.42 BITE REPORTS.**

- (A) Following receipt of an animal bite report, the Animal Control Officer shall determine if the Animal accused of biting is likely to have caused serious injury to the alleged victim, and if the accused animal has been properly inoculated with a rabies vaccine.
- (B) After investigation, if the Animal Control Officer concludes the victim has been seriously injured and the alleged animal is likely to have caused the injury, then the Owner of the Animal accused of biting shall surrender the Animal to the Animal Control Officer for quarantine. In the alternative, the Owner of the Animal accused of biting the victim may surrender the Animal to a licensed veterinary physician office located in Warrick or Vanderburgh County for quarantine. An Owner of an Animal who refuses to surrender the Animal to the Animal Control Officer or a licensed veterinary physician for quarantine upon request violates this Chapter and shall be subject to the specific penalty provisions of § 131.99(D).
- (C) Upon receipt of an animal bite report, the Animal Control Officer may enter upon private property, excluding closed buildings, if he or she has reasonable grounds to believe that a biting Animal is located on said property.
- (D) Upon taking possession of a biting Animal, or an Animal accused of biting, the Animal Control Officer shall order the Animal to be held in quarantine for a period of ten (10) days. In the absence of evidence of a rabies immunization, the Animal shall be held in quarantine at the Animal Control Facility or a licensed veterinary facility. If the Animal Control Officer determines that the Animal accused of biting has been properly inoculated with a rabies vaccine, the Animal may, at the discretion of the Animal Control Officer, be quarantined in the home of the Owner or other responsible person if the Owner of the Animal agrees in writing to comply with all of the provisions of the Home Quarantine Guidelines issued by the State of Indiana. The Home Quarantine Guidelines shall include, without limitation, the following:

## ORDINANCE 2021- 35

- (1) The Warrick County Health Officer, or the Animal Control Officer, shall appoint a licensed veterinarian to examine the Animal at the end of a ten (10) day quarantine period. The Owner of the Animal accused of biting shall be responsible for the costs incurred in examining the Animal, as well as a boarding fee of Fifteen and 00/100 Dollars (\$15.00) per day, which costs shall be paid prior to the release of the Animal at the end of the quarantine period. If the Animal is quarantined at a veterinary facility of the Owner's choice, the Owner shall be solely responsible for the costs and care of the Animal in said facility.
- (2) If, at the end of the ten (10) day quarantine period, the veterinarian appointed by the Warrick County Health Officer or the Animal Control Officer reasonably believes that the Animal is not afflicted with rabies, said Animal shall be released from quarantine contingent upon the following:
  - (a) Compliance with the payment requirements set forth in Section 131.33;
  - (b) Compliance with the inoculation requirements set forth in this Section; and
  - (c) Payment of veterinary expenses for examination during quarantine required under this Section.
- (3) If an Animal dies at any time during a ten (10) day quarantine period, the Animal's head shall be sent to the Indiana State Department of Health for examination. Any costs incurred by Warrick County in connection with such examination shall be the responsibility of the Owner of the Animal and paid upon notice thereof.
- (4) No Animal shall be destroyed or otherwise disposed of at any point during the ten (10) day period in which the Animal is quarantined without the express permission of the Warrick County Health Officer.

Penalty, see § 131.99

### **ADMINISTRATION**

#### **§ 131.50 FUNDS DEPOSITED IN COUNTY HEALTH FUND.**

All funds collected by Warrick County Animal Control shall be deposited in the Warrick County Animal Control Fund.

#### **§ 131.51 RULES AND REGULATIONS FOR ANIMAL CONTROL FACILITY.**



**ORDINANCE 2021- 35**

- (A) The Warrick County Board of Health is authorized to expend annually in the construction, maintenance, and supervision of the Warrick County Animal Control Facility, and in the payment of salaries and expenses incurred in the administration of this Chapter, or so much as may be necessary, from the sums which may hereafter annually be appropriated for such purpose.
- (B) The administration of the Animal Control Facility and all employees thereof, and those engaged in its maintenance, shall be under the jurisdiction of the Warrick County Health Department and the Warrick County Health Officer, which Department and Officer are authorized to enforce the rules and regulations adopted by it for the administration thereof, and to adopt such rules and regulations necessary in the discretion of the Warrick County Board of Health for the accomplishment of the intent and purposes of this Chapter.

**§131.52 PERFORMANCE OF DUTIES.**

No Person shall interfere in the performance of the duties under this Chapter by the Animal Control Officer, Warrick County Health Officer, and/or their employee(s) or designee(s).

Penalty, see § 131.99

**§ 131.53 VIOLATIONS.**

The Animal Control Officer may issue a written notice of violation to Persons believed to be in violation of this Chapter, setting forth the nature of the offense.

**§ 131.54 SUBSEQUENT VIOLATIONS.**

A violation committed by a Person more than two (2) years after the most recent violation committed by the same Person shall constitute a first violation for purposes of this Chapter. Any violation committed by a Person that occurs within two (2) years of a prior violation committed by the same Person shall constitute a subsequent violation for purposes of this Chapter.

**§ 131.99 PENALTY.**

- (A) The Warrick County Board of Health, or its designees, shall have the authority to set a reasonable fine for any violation of this Chapter. A copy of the current fee schedule shall be posted at the Animal Control Facility at all times.
- (B) Notwithstanding the above, the penalty for a first offense of violation of this Chapter shall be a fine not to exceed One Hundred and 00/100 Dollars (\$100.00).

ORDINANCE 2021- 35

- (C) Notwithstanding the above, the penalty for any subsequent violation of this Chapter shall be a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00)
- (D) Notwithstanding the above, the penalty for the failure of an Owner to surrender an Animal accused of biting to the Animal Control Officer for quarantine in accordance with § 131.42(B) shall be a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00).
- (E) Notwithstanding the above, any Person found in violation of this Chapter shall be responsible for filing fees incurred and attorney fees of up to Two Hundred Fifty and 00/100 Dollars (\$250.00) in the event the violation committed by the Person is the subject of litigation.

*[Rest of page intentionally left blank]*

ORDINANCE 2021- 35

The above ordinance is passed and adopted by the Board of Commissioners of Warrick County, Indiana, this 27<sup>th</sup> day of September, 2021.


BOARD OF COMMISSIONERS  
OF WARRICK COUNTY, INDIANA

  
Terry J Phillippe, President

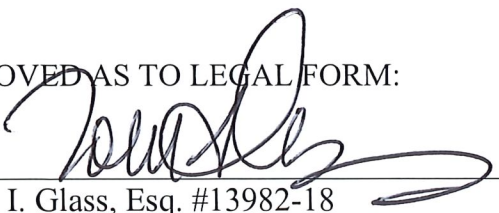
  
Robert H. Johnson, Jr., Vice President

  
Dan Saylor, Member

ATTEST:

  
Deborah K. Stevens, Auditor  
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

  
Todd I. Glass, Esq. #13982-18  
FINE & HATFIELD, A Professional Corporation  
520 N.W. Second Street, P.O. Box 779  
Evansville, Indiana 47705-0779  
Telephone: (812) 425-3592  
Warrick County Attorney